

Lewis Brisbois Bisgaard & Smith, LLP

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Mediations & Arbitrations

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NO. 22-CCV-070378

**PLAINTIFF'S "SOFT" OBJECTIONS/MOTION TO STRIKE
DEFENDANT'S
"ORIGINAL" ANSWER FILED ON 9/21/2022**

TO THE HONORABLE JUDGE OF SAID COURT:

1. Defendants' Imperial Lofts LLC, Imperial Lofts owner LLC, Karina Martinez, and, Madam Marianna Sullivan, all purported to file an "original" answer replete with affirmative defenses on September 21st 2022.

2. Because the law does not allow an answer, or any other pleading to be filed over the judicial actions taken in this case, namely, the striking of all the defendant's pleadings,¹ Plaintiffs lodge this "soft" objection to that filing, and move to strike the so- called "original" answer .²

¹

Defendants' presently sit in default status by operation of law. Although the court interliniated the sentence pronouncing the default at the request of David Oubre, Oubre lodged no other objections to the order the Court signed on September 13th 2022. This was folly on Oubre's part, in that any skilled lawyer knew, or should have known, that the striking of all the pleadings results in an automatic default by operation of law. Oubre's concern on September 13th 2022 was not in protecting his clients; his only concern was in protecting himself and his law-firm, as evidenced by their bizarre and "bi-polar" attempt to take up an appeal to the referring court of the same actions they asked the Court to take, and of the same orders that they approved.

²

Defendants now have extremely competent counsel in this case in the person of Will Moye, from the law-firm of Thompson Coe, and have shed the gross incompetence of David Oubre, and the California Foreign LLP, that the Court rightfully ejected from this case. That being said, the filing by Moye is a smart strategic move, that if left unchallenged, will result in waiver. Thus, a "soft" objection is made so that no waiver takes place, albeit the Court is not asked to take action on it at this time.

Respectfully submitted,

/s/Michael Joseph Bitgood
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/s/ Susan C. Norman
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Counsel for Richard P. Jones &
Lewis Brisbois Bisgaard & Smith
LLP, a Texas Domestic LLP.

CERTIFICATE OF SERVICE

On this the 22nd day of September, 2022, I certify that I served a true and correct copy of this instrument on all named parties via the Texas e-file system.

/s/ Michael Easton

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Michael Easton on behalf of Susan Norman

Bar No. 15083020

EastProLaw@outlook.com

Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: RichardPJones

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|----------------------------|----------------------|--------|
| Susan CNorman | | SueNorman@SueNormanLaw.com | 9/22/2022 7:43:09 AM | SENT |

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Michael Easton on behalf of Susan Norman

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Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: MichaelJosephBitgood

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| Brad Beers | | Brad@Beers.Law | 9/22/2022 7:43:09 AM | SENT |
| Michael Easton | | EastProLaw@msn.com | 9/22/2022 7:43:09 AM | SENT |

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Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|----------------|-----------|--------------------------------|----------------------|--------|
| Susan Norman | 15083020 | SueNorman@SueNormanLaw.com | 9/22/2022 7:43:09 AM | SENT |
| Kathy Truong | | Kathy.Truong@lewisbrisbois.com | 9/22/2022 7:43:09 AM | SENT |
| David Oubre | | David.Oubre@lewisbrisbois.com | 9/22/2022 7:43:09 AM | SENT |
| Paul Fingersh | | P.Fingersh@nolanred.com | 9/22/2022 7:43:09 AM | ERROR |
| Jana Lubert | | Jana.Lubert@lewisbrisbois.com | 9/22/2022 7:43:09 AM | SENT |
| Alan Magenheim | | Alan@MagenheimLaw.com | 9/22/2022 7:43:09 AM | SENT |

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

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Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: Karina Martinez

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|-------------------------------|----------------------|--------|
| William Moye | | wmoye.service@thompsoncoe.com | 9/22/2022 7:43:09 AM | SENT |
| Samantha De Hoyos | | sdehoyos@thompsoncoe.com | 9/22/2022 7:43:09 AM | SENT |

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

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Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: Imperial Lofts LLC

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|---------------------------|----------------------|--------|
| Karina Martinez | | ImperialAsst@nolanred.com | 9/22/2022 7:43:09 AM | SENT |
| Marianna Sullivan | | imperialgm@nolanRed.com | 9/22/2022 7:43:09 AM | SENT |
| William Moye | | wmoye@ThompsonCoe.com | 9/22/2022 7:43:09 AM | SENT |

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

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Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: Marianna Sullivan

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|-------------------------|----------------------|--------|
| Marianna Sullivan | | M.Sullivan@NolanRed.com | 9/22/2022 7:43:09 AM | SENT |

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

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Status as of 9/22/2022 8:48 AM CST

Associated Case Party: Michael Easton

| Name | BarNumber | Email | TimestampSubmitted | Status |
|--------------------|-----------|----------------------------|----------------------|--------|
| Brad BBeers | | BBeers@BeersLaw.net | 9/22/2022 7:43:09 AM | SENT |
| Richard PJones | | DickeyJones365@gmail.com | 9/22/2022 7:43:09 AM | SENT |
| John FHealey | | JHealeyDA@aol.com | 9/22/2022 7:43:09 AM | SENT |
| Holly GailCrampton | | Holly@HollyCramptonLaw.com | 9/22/2022 7:43:09 AM | SENT |

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

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Status as of 9/22/2022 8:48 AM CST

Associated Case Party: David Oubre

| Name | BarNumber | Email | TimestampSubmitted | Status |
|----------------|-----------|----------------------------------|----------------------|--------|
| Bennett Fisher | | Bennett.Fisher@LewisBrisbois.com | 9/22/2022 7:43:09 AM | SENT |

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

EastProLaw@outlook.com

Envelope ID: 68501373

Status as of 9/22/2022 8:48 AM CST

Associated Case Party: Imperial Lofts Owner, LLC

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|-----------------------|----------------------|--------|
| William RMoye | | WMoye@ThompsonCoe.com | 9/22/2022 7:43:09 AM | SENT |

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Michael Easton on behalf of Susan Norman

Bar No. 15083020

EastProLaw@outlook.com

Envelope ID: 68501373

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Associated Case Party: Lewis Brisbois Bisgaard & Smith, LLP, a California Foreign Entity

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------|-----------|----------------------------------|----------------------|--------|
| Bennett Fisher | | Bennett.Fisher@lewisbrisbois.com | 9/22/2022 7:43:09 AM | SENT |
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| Bill Helfand | | bill.helfand@lewisbrisbois.com | 9/22/2022 7:43:09 AM | SENT |
| Dawn Garrard | | dawn.garrard@lewisbrisbois.com | 9/22/2022 7:43:09 AM | SENT |
| Ashley Warnick | | ashley.warnick@lewisbrisbois.com | 9/22/2022 7:43:09 AM | SENT |